

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS**

ANTWON D. JENKINS,)
)
)
Plaintiff,) Case No. 21-CV-1371-JPG
)
v.) Jury trial requested
)
KENNY BENZING, et al.,)
)
)
Defendants.)

DEFENDANT'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

NOW COMES Defendant, Kenny Benzing, in his individual capacity only, by and through his attorneys, IFMK Law, Ltd., and hereby submits the following answer and affirmative defenses to Plaintiff's Amended Complaint [Doc. 37] in accordance with this Court's Administrative Order # 244:

1. After conducting a merit review of Plaintiff's Complaint, the Court allowed Plaintiff to dismiss Doe Defendants, and add Sgt. Bryan Carter as a Defendant in this matter. The Court allowed Plaintiff to proceed on a single count, alleging that former Jail Administrator Kenny Benzing, and Sgt. Bryan Carter failed to protect Plaintiff from an inmate attack that occurred on November 11, 2012 even after Plaintiff advised these defendants of threats by his attackers on September 25, 2019, September 27, 2019, and October 16, 2019 in violation of Plaintiff's Eighth or Fourteenth Amendment Rights. [Doc. 36].

2. Defendant Benzing admits he was employed as the Jail Administrator of Marion County Jail during Plaintiff's detention in the Marion County Jail in 2019. Defendant Benzing denies, however, that he is still so employed; and states that he left the employment of the Marion County Sheriff's Office in the summer of 2021. Defendant Benzing denies that he is or was the

Jail Administrator of the Washington County Jail as stated in Plaintiff's Amended Complaint. [Doc. 37].

3. Defendant Benzing denies that he failed to protect Plaintiff from the alleged inmate attack that occurred on November 11, 2019.

4. Defendant Benzing denies that he was aware or advised of threats received by Plaintiff from his attacker or attackers at any time before the alleged November 11, 2019 attack, including on September 25, 2019, September 27, 2019. Defendant Benzing denies that Plaintiff's October 16, 2019 grievance advised him of a specific substantial risk to Plaintiff's safety.

5. Defendant Benzing denies that he violated Plaintiff's Fourteenth Amendment rights.

6. Defendant Benzing denies that he caused Plaintiff's injuries.

7. Defendant Benzing denies Plaintiff is entitled to any of the relief he seeks in this action.

AFFIRMATIVE DEFENSES

1. At all times relevant to Plaintiff's Complaint, Defendant Kenny Benzing acted in good faith in the performance of his discretionary duties as a jail administrator in the Marion County Jail without knowingly violating Plaintiff's clearly established rights. Defendant Benzing is protected by qualified immunity.

JURY DEMAND

Defendant Benzing requests a jury trial.

For these reasons, Defendant Benzing requests this Court to deny the relief sought in Plaintiff's Complaint and order Plaintiff to pay Defendant's costs if Defendant prevails in this action.

Respectfully submitted,

KENNY BENZING, in his individual capacity only,

By: *s/Carla G. Tolbert* _____

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2023 I electronically filed this *Defendant Benzing's Answer and Affirmative Defenses to Plaintiff's Amended Complaint* with the Clerk of the Court using the CM/ECF system, and I will send notification of such filing to the following non-registered participant:

Antwon D. Jenkins, #09778-025
Talladega Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 1000
Talladega, AL 35160

via U.S. Mail by depositing same in a sealed envelope, proper postage prepaid and affixed thereon and placing same in the U.S. Mail receptacle located at 650 Dundee Road, Northbrook, IL, at or before the hour of 5:00 p.m. on August 30, 2023.

By: *s/Carla G. Tolbert*
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